

STAYED,TERMINATED

**U.S. District Court  
District of Oregon (Portland (3))  
CIVIL DOCKET FOR CASE #: 3:10-cv-00754-AC**

Wallick v. U.S. Department of Agriculture  
Assigned to: Magistrate Judge John V. Acosta  
Cause: 05:552 Freedom of Information Act

Date Filed: 06/30/2010  
Date Terminated: 06/07/2012  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Richard Wallick**

represented by **Daniel J. Stotter**  
Daniel J. Stotter  
Stotter & Associates LLC  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****U.S. Department of Agriculture**

represented by **Kevin C. Danielson**  
US Attorney's Office  
1000 S.W. Third Avenue  
Suite 600  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
06/30/2010	<u>1</u>	Complaint. Filing Fee in amount of \$350 collected. Receipt No. 34326. Summons issued as to United States Department of Agriculture. Filed by Richard Wallick against U.S. Department of Agriculture. (Attachments: # <u>1</u> Civil Cover Sheet) (eo) (Entered: 07/01/2010)
06/30/2010	<u>2</u>	Discovery and Pretrial Scheduling Order and Notice of Case Assignment to Magistrate Judge John V. Acosta. Discovery is to be completed by 10/28/2010. Joint Alternate Dispute Resolution Report is due by 11/29/2010. Pretrial Order is due by 11/29/2010. Ordered by Magistrate Judge John V. Acosta. (eo) (Entered: 07/01/2010)
08/26/2010	<u>3</u>	Answer to <u>1</u> Complaint Filed by Defendant US Department of Agriculture. (lmb) (Entered: 08/26/2010)
09/10/2010	4	SCHEDULING ORDER by Judge Acosta – SETTING a Telephone Rule 16 Conference for Thursday, 9/30/2010 at 2:00PM; Court staff will initiate the call. (peg) (Entered: 09/10/2010)
09/30/2010	5	<b>MINUTES of Proceedings:</b> Telephone Rule 16 Conference held by Judge Acosta. ORDER: (1) Parties to submit a proposed order for stay on or before 10/8/10. (2) Parties to submit a written Status Report on or before 12/30/10. Daniel Stotter present as counsel for plaintiff. Kevin Danielson present as counsel for defendant.

		Court Reporter: None. Magistrate Judge John V. Acosta presiding. (peg) (Entered: 09/30/2010)
10/08/2010	<u>6</u>	Joint Motion <i>For Court to Resolve Differences Regarding The Order To Stay The Proceedings</i> . Filed by U.S. Department of Agriculture. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2) (Danielson, Kevin) (Entered: 10/08/2010)
10/08/2010	<u>7</u>	Joint Exhibits <i>Proposed Order re Joint Motion For Court to Resolve Differences Regarding The Order To Stay The Proceedings</i> <u>6</u> . Filed by U.S. Department of Agriculture. (Danielson, Kevin) (Entered: 10/08/2010)
10/18/2010	<u>8</u>	<b>ORDER</b> – The 90 day stay of the proceedings in this action shall apply to Defendant's response to Plaintiff's pending Request for Production and Request for Admissions discovery requests which the parties have submitted to the Court in support of the present joint Motion for Stay of Proceedings. (GRANTING motion <u>6</u> for ruling on stay of proceedings). Dated this 14th day of October, 2010, by US Magistrate Judge John V. Acosta. (peg) (Entered: 10/18/2010)
01/13/2011	<u>9</u>	Status Report <i>Defendant's Status Report and Unopposed Motion to Extend Stay</i> by U.S. Department of Agriculture. Filed by U.S. Department of Agriculture. (Danielson, Kevin) Modified event type to Motion for extension of time on 1/13/2011 (cib). (Entered: 01/13/2011)
01/14/2011	<u>10</u>	<b>ORDER</b> by Judge Acosta – GRANTING defendant's unopposed motion <u>9</u> for an additional 90 day STAY. Defendant to file an additional Status Report on or before 4/21/11. (peg) (Entered: 01/14/2011)
04/21/2011	<u>11</u>	Status Report by U.S. Department of Agriculture. Filed by U.S. Department of Agriculture. (Danielson, Kevin) (Entered: 04/21/2011)
04/21/2011	<u>12</u>	SCHEDULING ORDER by Judge Acosta – Setting a Telephone Status/Scheduling Conference for 5/11/2011 at 9:45AM; Court staff will initiate the call. (peg) (Entered: 04/21/2011)
05/11/2011	<u>13</u>	<b>MINUTES of Proceedings:</b> Telephone Status/Scheduling Conference held by Judge Acosta. ORDER: (1) Lifting the stay in this matter; (2) Defendant to file summary judgment motion by 7/15/11; (3) Plaintiff to file response/objections to defendant's motion as well as a separate cross-motion, if any, by 8/19/11; (4) Defendant's reply to their motion and a separate response/objection to plaintiff's cross-motion by 9/9/11; (5) Plaintiff's reply in support of his cross-motion due by 9/23/11; (6) The motions will be taken under advisement upon completion of the briefing or oral argument will be set upon request of either party. Daniel Stotter present as counsel for plaintiff(s). Kevin Danielson present as counsel for defendant(s). Court Reporter: None. Magistrate Judge John V. Acosta presiding. (peg) (Entered: 05/11/2011)
07/15/2011	<u>14</u>	SCHEDULING ORDER by Judge Acosta – GRANTING the parties request to RESET case deadlines as follows: (1) Defendant to file summary judgment motion by 8/5/11; (2) Plaintiff to file response/objections to defendant's motion as well as a separate cross-motion, if any, by 9/9/11; (3) Defendant's reply to their motion and a separate response/objection to plaintiff's cross-motion by 10/11/11; (4) Plaintiff's reply in support of his cross-motion due by 10/24/11. (peg) (Entered: 07/15/2011)
08/04/2011	<u>15</u>	Unopposed Motion for Extension of Time <i>Defendant's Second Unopposed Motion for Extension of Time</i> . Filed by U.S. Department of Agriculture. (Danielson, Kevin) (Entered: 08/04/2011)
08/05/2011	<u>16</u>	<b>ORDER</b> by Judge Acosta – GRANTING defendant's second unopposed motion <u>15</u> for extension of time as follows: (1) Defendant to file summary judgment motion by 9/5/11; (2) Plaintiff to file response/objections to defendant's motion as well as a separate cross-motion, if any, by 10/5/11; (3) Defendant's reply to their motion and a separate response/objection to plaintiff's cross-motion by 11/7/11; (4) Plaintiff's reply in support of his cross-motion due by 11/21/11. (peg) (Entered: 08/05/2011)
09/06/2011	<u>17</u>	Unopposed Motion for Extension of Time <i>Defendant's Third Unopposed Motion for an Extension of Time</i> . Filed by U.S. Department of Agriculture. (Danielson, Kevin) (Entered: 09/06/2011)

09/06/2011	<u>18</u>	<b>ORDER by Judge Acosta:</b> Granting Defendant's Third Unopposed Motion for Extension of Time <u>17</u> . (cib) (Entered: 09/06/2011)
09/09/2011	<u>19</u>	Motion for Summary Judgment . Filed by U.S. Department of Agriculture. (Danielson, Kevin) (Entered: 09/09/2011)
09/09/2011	<u>20</u>	Declaration of Judith Ragonesi . Filed by U.S. Department of Agriculture. (Related document(s): Motion for Summary Judgment <u>19</u> .) (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5) (Danielson, Kevin) (Entered: 09/09/2011)
09/09/2011	<u>21</u>	Declaration of David W. Trykowski . Filed by U.S. Department of Agriculture. (Related document(s): Motion for Summary Judgment <u>19</u> .) (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15) (Danielson, Kevin) (Entered: 09/09/2011)
09/09/2011	<u>22</u>	Declaration of Alison Decker . Filed by U.S. Department of Agriculture. (Related document(s): Motion for Summary Judgment <u>19</u> .) (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7) (Danielson, Kevin) (Entered: 09/09/2011)
09/09/2011	<u>23</u>	<i>Defendant's Memorandum in Support of Motion for Summary Judgment.</i> Filed by U.S. Department of Agriculture. (Related document(s): Motion for Summary Judgment <u>19</u> .) (Danielson, Kevin) (Entered: 09/09/2011)
10/04/2011	<u>24</u>	Unopposed Motion for Extension of Time . Filed by Richard Wallick. (Stotter, Daniel) (Entered: 10/04/2011)
10/07/2011	25	<b>ORDER</b> by Judge Acosta – GRANTING plaintiff's unopposed motion for extension of time <u>24</u> as follows: (1) Plaintiff to file response/objections to defendant's motion as well as a separate cross–motion, if any, by 11/4/11; (2) Defendant's reply to their motion and a separate response/objection to plaintiff's cross–motion by 12/5/11; (3) Plaintiff's reply in support of his cross–motion due by 12/19/11. (peg) (Entered: 10/07/2011)
10/11/2011	26	SCHEDULING ORDER by Judge Acosta as follows: (1) Plaintiff to file response/objections to defendant's motion <u>19</u> as well as a separate cross–motion, if any, by 11/11/11; (2) Defendant's reply to their motion and a separate response/objection to plaintiff's cross–motion by 12/12/11; (3) Plaintiff's reply in support of his cross–motion due by 12/27/11. (peg) (Entered: 10/11/2011)
11/02/2011	<u>27</u>	Consent Motion for Extension of Time to File a Response/Reply <i>Plaintiff's Unopposed Motion For Extension of Time To File Plaintiff's Motion For summary judgment and Opposition to Defendant's Motion for Summary judgment</i> to Motion for Summary Judgment <u>19</u> . Filed by Richard Wallick. (Attachments: # <u>1</u> Proposed Order) (Stotter, Daniel) (Entered: 11/02/2011)
11/03/2011	28	<b>ORDER</b> by Judge Acosta GRANTING plaintiff's unopposed motion for extension of time <u>27</u> as follows: (1) Plaintiff to file response/objections to defendant's motion <u>19</u> for summary judgment, as well as a separate cross–motion, if any, by 11/18/11; (2) Defendant's reply to their motion and a separate response/objection to plaintiff's cross–motion by 12/19/11; (3) Plaintiff's reply in support of his cross–motion is now due by 1/10/12. (peg) (Entered: 11/03/2011)
11/16/2011	<u>29</u>	Consent Motion for Extension of Time <i>To File Plaintiff's Motion For Summary Judgment and Opposition To Defendant's Motion For Summary Judgment.</i> Filed by Richard Wallick. (Attachments: # <u>1</u> Proposed Order) (Stotter, Daniel) (Entered: 11/16/2011)
11/16/2011	30	<b>ORDER</b> by Judge Acosta – GRANTING plaintiff's unopposed motion <u>29</u> for extension of time to 11/21/11, to file his response in opposition to defendant's motion for summary judgment, as well as to file plaintiff's motion for summary judgment. (peg) (Entered: 11/16/2011)
11/21/2011	<u>31</u>	Response to Motion for Summary Judgment <u>19</u> . Filed by Richard Wallick. (Attachments: # <u>1</u> Attachment Declaration of Wallick and Plaintiff's Exhibits

		1–11) (Stotter, Daniel) (Entered: 11/21/2011)
11/21/2011	<u>32</u>	Motion for Summary Judgment . Filed by Richard Wallick. (Attachments: # <u>1</u> Attachment Declaration of Wallick and Plaintiff's Exhibits 1–11, # <u>2</u> Attachment Plaintiff's Memorandum of Law In Support of Plaintiff's Motion for Summary Judgment) (Stotter, Daniel) Modified on 11/22/2011 (peg). (Entered: 11/21/2011)
11/22/2011	<u>33</u>	Motion for Summary Judgment . Filed by Richard Wallick. (Stotter, Daniel) (Entered: 11/22/2011)
11/22/2011	<u>34</u>	Declaration of Richard Wallick <i>and Exhibits 1 – 11</i> . Filed by Richard Wallick. (Related document(s): Motion for Summary Judgment <u>33</u> .) (Stotter, Daniel) (Entered: 11/22/2011)
11/22/2011	<u>35</u>	Memorandum in Support of <i>Plaintiff's Motion for Summary Judgment</i> . Filed by Richard Wallick. (Related document(s): Motion for Summary Judgment <u>33</u> .) (Stotter, Daniel) (Entered: 11/22/2011)
11/22/2011	<u>36</u>	Response in Opposition to Motion for Summary Judgment <u>19</u> . Filed by Richard Wallick. (Stotter, Daniel) (Entered: 11/22/2011)
11/22/2011	<u>37</u>	Declaration of Richard Wallick <i>and Exhibits 1 – 11</i> . Filed by Richard Wallick. (Related document(s): Response in Opposition to Motion <u>36</u> .) (Stotter, Daniel) (Entered: 11/22/2011)
11/22/2011	38	ORDER by Judge Acosta STRIKING as MOOT Plaintiff's Response to Motion for Summary Judgment <u>31</u> and Plaintiff's Motion for Summary Judgment <u>32</u> as they were improperly filed with attached documents. They are replaced by proper filings per L.R. 7.1 as follows: Response in Opposition to Motion for Summary Judgment <u>36</u> , Declaration of Richard Wallick <u>37</u> , Motion for Summary Judgment <u>33</u> , Declaration of Richard Wallick <u>34</u> and Memorandum in Support of Plaintiff's Motion for Summary Judgment <u>35</u> . (peg) (Entered: 11/22/2011)
12/16/2011	<u>39</u>	Unopposed Motion for Extension of Time . Filed by U.S. Department of Agriculture. (Danielson, Kevin) (Entered: 12/16/2011)
12/19/2011	40	<b>ORDER</b> by Judge Acosta – GRANTING defendant's unopposed motion <u>39</u> for extension of time as follows: (1) Defendant's reply to their motion for summary judgment and response to plaintiff's motion for summary judgment are both due by 1/13/12; Plaintiff's reply to his motion for summary judgment is now due by 2/3/12. The parties motions will be taken under advisement by the court on 2/17/12. (peg) (Entered: 12/19/2011)
01/13/2012	<u>41</u>	Unopposed Motion for Extension of Time <i>Defendant's Second Unopposed Motion for Extension of Time</i> . Filed by U.S. Department of Agriculture. (Danielson, Kevin) (Entered: 01/13/2012)
01/18/2012	42	<b>ORDER</b> by Judge Acosta – GRANTING defendant's second unopposed motion <u>41</u> for extension of time as follows: (1) Defendant's reply brief in support of its motion for summary judgment and a separate responsive brief in opposition to plaintiff's motion for summary judgment is due by 1/27/12; (2) Plaintiff's reply brief in support of their cross–motion for summary judgment is extended to 2/12/12. (peg) (Entered: 01/18/2012)
01/20/2012	<u>43</u>	Second Declaration of Richard Wallick <i>and attached Exhibit 12</i> . Filed by Richard Wallick. (Related document(s): Motion for Summary Judgment <u>33</u> .) (Attachments: # <u>1</u> Exhibit Exhibit 12) (Stotter, Daniel) (Entered: 01/20/2012)
01/26/2012	<u>44</u>	Unopposed Motion for Extension of Time <i>Defendant's Third Unopposed Motion for Extension of Time</i> . Filed by U.S. Department of Agriculture. (Danielson, Kevin) (Entered: 01/26/2012)
01/27/2012	45	<b>ORDER</b> by Judge Acosta – GRANTING defendant's third unopposed motion <u>44</u> for extension of time as follows: (1) Defendant's reply in support of their motion for summary judgment(#19) is due by 2/3/12; (2) Defendant's response to plaintiff's motion for summary judgment(#33) is due by 2/3/12; (3) Plaintiff's reply to his motion is due by 2/24/12. (peg) (Entered: 01/27/2012)



02/03/2012	<u>46</u>	Reply <i>Defendant's Reply in Support</i> to Motion for Summary Judgment <u>19</u> . Filed by U.S. Department of Agriculture. (Danielson, Kevin) (Entered: 02/03/2012)
02/03/2012	<u>47</u>	Response <i>Defendant's Response to Plaintiff's Cross-Motion For Summary Judgment</i> to Motion for Summary Judgment <u>33</u> . Filed by U.S. Department of Agriculture. (Danielson, Kevin) (Entered: 02/03/2012)
02/03/2012	<u>48</u>	Second Declaration of David W. Trykowski . Filed by U.S. Department of Agriculture. (Related document(s): Response to Motion <u>47</u> .) (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4) (Danielson, Kevin) (Entered: 02/03/2012)
02/03/2012	<u>49</u>	Second Declaration of Judith Ragonesi . Filed by U.S. Department of Agriculture. (Related document(s): Response to Motion <u>47</u> .) (Danielson, Kevin) (Entered: 02/03/2012)
02/03/2012	<u>50</u>	Second Declaration of Alison Decker . Filed by U.S. Department of Agriculture. (Related document(s): Response to Motion <u>47</u> .) (Danielson, Kevin) (Entered: 02/03/2012)
02/22/2012	<u>51</u>	Consent Motion for Extension of Time to File a Response/Reply <i>Plaintiff's Reply</i> to Motion for Summary Judgment <u>33</u> . Filed by Richard Wallick. (Attachments: # <u>1</u> Proposed Order) (Stotter, Daniel) (Entered: 02/22/2012)
02/23/2012	<u>52</u>	<b>ORDER</b> by Judge Acosta – GRANTING plaintiff's unopposed motion <u>33</u> for extension of time to 3/9/12, to file plaintiff's reply in support of plaintiff's motion for summary judgment. (peg) (Entered: 02/23/2012)
03/09/2012	<u>53</u>	Notice of Resolution of Summary Judgment Cross Motions Filed by Richard Wallick (Stotter, Daniel) (Entered: 03/09/2012)
03/09/2012	<u>54</u>	Stipulated Motion for Stay of Proceedings. Filed by Richard Wallick. (Attachments: # <u>1</u> Proposed Order) (Stotter, Daniel) (Entered: 03/09/2012)
03/12/2012	<u>55</u>	<b>ORDER</b> by Judge Acosta – Based on plaintiff's Notice of Resolution of Summary Judgment Cross Motions, the Court DENIES as MOOT both Defendant's Motion for Summary Judgment <u>19</u> and Plaintiff's Motion for Summary Judgment <u>33</u> . (peg) (Entered: 03/12/2012)
03/13/2012	<u>56</u>	<b>ORDER</b> – It is hereby ORDERED that the stipulated motion <u>54</u> for stay of proceedings from 3/9/12, to and including 5/8/12, is GRANTED, and it is further ORDERED that, on or before 5/8/12, the parties shall file a joint status report, either indicating that there has been a settlement as to the issue of recovery of attorney fees and costs, or setting forth a proposed briefing schedule for resolution of the issue or recovery of attorney fees and costs in this action. Dated this 12th day of March, 2012, by U.S. Magistrate Judge John V. Acosta. (peg) (Entered: 03/13/2012)
05/07/2012	<u>57</u>	Joint Status Report by U.S. Department of Agriculture. Filed by U.S. Department of Agriculture. (Danielson, Kevin) (Entered: 05/07/2012)
05/08/2012	<u>58</u>	SCHEDULING ORDER by Judge Acosta – The Parties have filed a Joint Status Report <u>57</u> , stating in part, that they have reached a settlement of this matter. Accordingly, the Court SETS a Final Paper Call hearing for Monday, June 11, 2012, at 9:00AM, in Courtroom 11B. If documents sufficient to finalize this matter are received by the Court prior to close of business day on 6/7/12, the FPC hearing will automatically be stricken and counsel would not need to appear on 6/11/12. (peg) (Entered: 05/08/2012)
06/07/2012	<u>59</u>	ORDER OF DISMISSAL – IT IS ORDERED that pursuant to L.R. 41–1, this action is dismissed with prejudice and without costs to any party and with leave, upon good cause shown within 60 days, to have this order of dismissal set aside and the action reinstated if the settlement is not consummated. Pending motions, if any, are denied as moot. All scheduling dates are vacated and stricken from the Court's calendar. Dated this 7th day of June, 2012, by U.S. Magistrate Judge John V. Acosta. (peg) (Entered: 06/07/2012)